



Rep. La Shawn K. Ford

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10300HB1569ham002

LRB103 05936 LNS 59395 a

1 AMENDMENT TO HOUSE BILL 1569

2 AMENDMENT NO. _____. Amend House Bill 1569, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Civil Procedure is amended by
6 changing Section 9-121 and by adding Section 9-123 as follows:

7 (735 ILCS 5/9-121)

8 Sec. 9-121. Impounding ~~Sealing~~ of court file.

9 (a) ~~Definition.~~ As used in this Section: 7

10 "Court ~~court~~ file" means the court file created when an
11 eviction action is filed with the court.

12 "Impound" and "impoundment" have the same meaning as
13 "impounded" under Illinois Supreme Court Rule 8, as now or
14 hereafter amended.

15 "Seal" and "sealing", as previously used in this Act, have
16 the same meaning as "impounded" under Illinois Supreme Court

1 Rule 8, as now or hereafter amended.

2 (b) Discretionary impoundment ~~sealing~~ of court file. The
3 court may order that a court file in an eviction action be
4 impounded ~~placed under seal~~ if the court finds that the
5 plaintiff's action is sufficiently without a basis in fact or
6 law, which may include a lack of jurisdiction, or if the court
7 finds that placing the court file under seal is clearly in the
8 interests of justice, and that the interests of justice
9 outweigh those interests are not outweighed by the public's
10 interest in knowing about the record. If a defendant files a
11 motion to impound a court file, the court may consider a
12 plaintiff's written response even if the plaintiff does not
13 appear in person on the motion.

14 (c) Mandatory impoundment ~~sealing~~ of court file. The court
15 file relating to an eviction action brought against a tenant
16 under Section 9-207.5 of this Code or as set forth in
17 subdivision (h) (6) of Section 15-1701 of this Code shall be
18 impounded ~~placed under seal~~.

19 (d) (Blank). ~~This Section is operative on and after August~~
20 ~~1, 2022.~~

21 (e) Except as provided in subsection (g), any person who
22 disseminates a sealed or impounded court file under this
23 Section, or the information contained therein, for commercial
24 purposes shall be liable for a civil penalty of \$2,000 or twice
25 the actual and consequential damages sustained, whichever is
26 greater, as well as the costs of the action, including

1 reasonable attorney's fees. A landlord providing or receiving
2 an individual reference about a prospective tenant is not
3 considered a commercial purpose and is not subject to the
4 penalty identified in this subsection.

5 (f) The Attorney General may enforce a violation of this
6 Section as an unlawful practice under the Consumer Fraud and
7 Deceptive Business Practices Act. All remedies, penalties, and
8 authority granted to the Attorney General by the Consumer
9 Fraud and Deceptive Business Practices Act shall be available
10 to the Attorney General for the enforcement of this Section.

11 (g) Nothing in this Section prohibits a landlord from
12 receiving a reference from a previous landlord of a
13 prospective tenant. Nothing in this Section prohibits a
14 landlord from providing a reference for a previous or current
15 tenant to a prospective landlord of that tenant.

16 (Source: P.A. 102-5, eff. 5-17-21.)

17 (735 ILCS 5/9-123 new)

18 Sec. 9-123. Notice and dismissal for failure to prosecute
19 after 365 days.

20 (a) If, at any time after the filing of an eviction action,
21 the plaintiff has not further prosecuted the case for a period
22 of 365 days, the court shall send to the parties written
23 notice:

24 (1) informing the parties of the date of the most
25 recent action taken by the plaintiff in the case; and

1 (2) directing the plaintiff to take one of the
2 following actions not later than 10 business days after
3 the date of the notice:

4 (A) further prosecute the case; or

5 (B) dismiss the case.

6 (b) If the plaintiff fails to take an action described in
7 paragraph (2) of subsection (a) within the time prescribed by
8 paragraph (2) of subsection (a):

9 (1) the defendant in the eviction action may file a
10 motion with the court to dismiss the case; or

11 (2) the court, on the court's own motion, may dismiss
12 the case.

13 (c) The form of the notice described in subsection (a) may
14 be developed by each judicial circuit in accordance with its
15 practice or the Administrative Office of the Illinois Courts
16 may develop a standardized form.

17 (d) A judicial circuit, in its discretionary control over
18 its records, may adopt a rule to follow this procedure in a
19 shorter amount of time than 365 days.

20 Section 10. The Consumer Fraud and Deceptive Business
21 Practices Act is amended by adding Section 2z.6 as follows:

22 (815 ILCS 505/2z.6 new)

23 Sec. 2z.6. Dissemination of a sealed or impounded court
24 file. A private entity or person that violates Section 9-121

1 of the Code of Civil Procedure commits an unlawful practice
2 within the meaning of this Act."